

stream. For example, the specification describes that the subscriber may request that the media server play a stored e-mail message, in such case, the media server sends the text to a text to speech converter, configured to generating audio samples at 64kbs. Hence, the text to speech converter outputs G.711-encoded media data to the media server, which is incompatible with the internal G.729 codec activated by the IP telephony gateway for the first media channel. Thus, the first media channel utilizing the G.729 codec is closed and a second media channel opened based on the G.711 codec. See pages 5, line 22 through page 6, line 7 of the present application.

Thus, interpreting the claims in light of the present specification:

- (1) the second media stream must clearly be different than the first media stream,
- (2) the second media stream must be transmitted at a different compression than the first media stream, and
- (3) the first and second media streams must be transmitted on the same call.

The Examiner argues that the rejected claims are anticipated by Shaffer for the following reasons:

As shown in Figures 1-9, Shaffer discloses a communication method in a media server (112), comprising: establishing a call (multipoint conference call) having a first media channel with an IP telephony gateway, the first media channel configured for transmitting a first media stream (connection in which each endpoints utilizes its respective codec) according to a corresponding first compression (endpoint's respective codec); initiating closing of the first media channel (step 816; col. 5: lines 30-34) based on a request for a resource utilizing a second compression (steps 810-814, col. 5: lines 24-30); and starting for the call (the same multipoint conference call, step 818-820; col. 5: lines 34-37) a second media channel, configured for transmitting a second media stream (new connection with new codec, step 822; col. 5: lines 37-41) according to the second compression (new codec), upon closing the first media channel.

Applicants respectfully submit that Shaffer does not teach transmitting different media streams on the same media channel. As shown above, Shaffer only teaches closing and opening new media channels (referred to as "connections" in Shaffer) for the same media stream. The disclosure of Shaffer cited above by the Examiner refers to modifying the coding every time a different party talks during the same conference call. See column 4, line 67 to

column 5, line 1, and column 5, lines 39-41 of Shaffer. Thus, Shaffer only teaches creating a new connection having a corresponding new compression, and thereafter dropping the old connection having a corresponding old compression for the same media stream. Each time a user speaks, that user requests the same media stream (the conference call), not a second media stream distinguished from the conference call. The continuous changing of channels and codecs during a single conference call cannot be equated with changing media streams having different codecs.

Specifically, Shaffer teaches that the MC 112 will issue a “RenegotiateCodec command” that requires the affected user to create a new call by issuing a new call setup command:

TCU 105 determines whether any of the users must renegotiate their codecs for optimization. If not, then in a step 824, the conference proceeds. However, if they do, then in a step 812, the TCU 105 sends an identification of the user to the MC 112. The MC 112 will issue a RenegotiateCodec command to the relevant users in a step 814. The RenegotiateCodec command may include, as a parameter, an identification of the particular codec which is to be used. In a step 816, the relevant user sends a call setup command which is received by the MCU 104's MC 112. The MC 112 recognizes the call setup command as pertaining to the particular conference and, in a step 818, undertakes the appropriate H.323 call control and signaling commands to set up the new connection using the new codec. Once the new connection has been established, in a step 820, the old connection is dropped. [(emphasis added) See column 5, lines 24-38 of Shaffer.]

This disclosure in Shaffer clearly does not disclose or even suggest “initiating closing of the first media channel [of the call]” and “starting for the call a second media channel,” where the first and second media channels are within the same call according to the present invention. For this reason alone, the Section 102 rejection should be withdrawn.

Furthermore, this disclosure in Shaffer does not disclose that the first and second media channels of the call are established by a media server, but rather by multipoint control unit (MCU) 122. The MCU 122 is not an H.323 endpoint (col. 3, lines 7-19), and therefore cannot *initiate* call setup, namely the claimed “establishing a call,” “initiating closing,” and “starting for the call a second media channel.” Rather, the MCU 122 must send a “RenegotiateCodec” command to the user terminal 102, requiring the *user terminal 102* to initiate the call setup. Consequently, the MCU can only request that the H.323 endpoints

perform the appropriate call setup procedures. Thus, Shaffer does not disclose the claimed *media server* that establishes the call, initiates closing, and starts for the call a second media channel, as claimed. For this reason alone, the Section 102 rejection should be withdrawn.

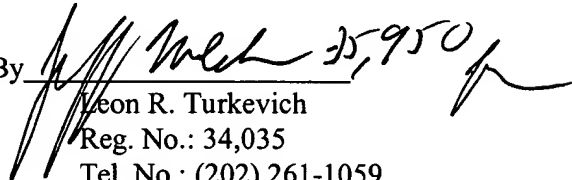
Further, Shaffer does not disclose or even suggest "starting for the call a second media channel ... *upon closing of the first media channel*" according to the present invention. As described above, Shaffer requires the establishment of the new connection before the old connection is dropped. See column 5, lines 33-38 of Shaffer. Further, the new connection must be initiated by the user H.323 endpoint 102, and not by the MCU 104. For these reasons alone, the Section 102 rejection should be withdrawn.

As shown by the above, Shaffer neither discloses or suggests any of the advanced call control features that enables a change in compression based on closing a first media channel *and then* starting a second media channel, having a distinct compression, within the same call.

In view of the many differences between Shaffer and the claimed invention as pointed out above, Shaffer cannot anticipate any of the claims 1, 16, 17, 23, 29 and 44. Accordingly, withdrawal of the Section 102 rejection is respectfully requested.

Since all of the objections and objections of record have been addressed, it is believed that the application is in condition for allowance and Notice to that effect is respectfully requested.

Respectfully submitted,

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